

REMARKS

The above amendments and following remarks are responsive to the Office Action mailed August 26, 2004. Upon entry of the above amendments, Claims 1, 11-15, 22, 23, and 25 will have been amended. Claims 1-9, 11-23, and 25 will be pending. No new matter has been introduced. Entry and reconsideration are respectfully requested.

Response to the Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 22 and 23 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. Applicants have amended Claims 22 and 23 to overcome these rejections.

Accordingly, the rejections under 35 U.S.C. § 112, second paragraph, should be withdrawn.

Response to Rejections under 35 U.S.C. § 103(a)

Claims 1-5, 11, 15-19 and 25 have been rejected under 35 U.S.C. § 103(a) as being obvious over US Patent 5,371,613 to Arimoto et al. (Arimoto) in view of US Patent 5,278,674 to Webb et al. (Webb). Claims 6-9 and 20-23 have been rejected under 35 U.S.C. § 103(a) as being obvious over Arimoto in view of Webb and US Patent 4,680,644 to Shirato et al. (Shirato). Claims 12-14 have been rejected under 35 U.S.C. § 103(a) as being obvious over Arimoto in view of Webb and US Patent 4,797,943 to Murayama et al. (Murayama). Applicants traverse these rejections.

Independent Claim 1 has been amended to recite an image reading apparatus including, inter alia:

“a memory adapted to store a predetermined time since said light source is turned on until a maximum of electrical signals output from said plurality of image sensing elements at the time said light source is turned on changes a predetermined rate”.

Support for the above claim recitation may be found on at least Page 19, Lines 10 and 11, of the detailed written description. Neither Arimoto, Webb, Shirato, nor Murayama, either alone or in combination, teach, suggest, or otherwise render obvious the invention as recited in independent Claims 1, 11, 12, 14, 15, and 25, including dependent Claims 2-9, 13, and 16-23. The above amendments to independent Claims 11, 12, 14, 15, and 25 are consistent with the amendments introduced in Claim 1. As such, the discussion with respect to Claim 1, set forth below, is likewise applicable to independent Claims 11, 12, 14, 15, and 25.

The primary reference of Arimoto discloses to first read a line at the B point where the reference patch 301P is arranged (step S402 in Figure 4), then read the standard white plate 202 at the A point (step S408 in Figure 4). Thereafter, the shading correction is performed using the values Wave and Pave, calculated from the values obtained by reading a sheet of copy paper and the reference patch 301P, and the values Bave1 and Bave2, calculated from the values obtained by reading the standard white plate 202. The reason for using these four data is to normalize the light intensity conversion value of the copy sheet (Column 7, Lines 42-47). These operations are performed in a course of the “standard white paper density measurement mode” (Column 6, Line 17) upon depression of the SMP key 115 (Column 6, Lines 57-59), and it is not that the standard white paper plate 202 at the A point is not read because a predetermined time has not passed nor the standard white plate 202 is read because the predetermined time has passed.

As for the configuration of Arimoto, the CCD 210 is a line sensor (Column 4, Lines 55-56), and the line counter 104 counts the position of pixels of the line sensor in the main scanning direction (Column 5, Lines 5-10) and does not count the number of lines in the sub-scanning direction. The lamp 205 does not move in the main scanning direction. Therefore, Applicant's respectfully disagree with the Examiner's argument set forth on Page 4, Lines 8-15 of the August 26, 2004 non-final Office Action since the time can not be calculated by dividing the count counted by the line counter 04, i.e, the position of a pixel in a line, by the speed that the light source is moving.

Thus, Arimoto does not teach or suggest to selectively read the line at the B point and the standard white plate 202 as the A point in accordance with the lapse of time since a light source is turned on. In addition, Arimoto is silent about having a memory for storing the predetermined time since the light source is turned on until a maximum of electrical signals output from the plurality of image sensing elements at the time the light source is turned on changes a predetermined rate.

The secondary reference of Webb discloses that the quality of light emitted from a light source changes as a lapse of time, however, there is no teaching or suggestion therein about storing in a memory the time since the light source is turned on until a maximum of electrical signals output from the plurality of image sensing elements at the time the light source is turned on changes a predetermined rate.

The tertiary reference of Shirato, which is relied upon by the Examiner to remedy further deficiencies of Arimoto and Webb, with respect to Claims 6-9, and 20-23, provide no specific teaching or suggestion therein about storing in a memory the time since the light source is turned on until a maximum of electrical signals output from the plurality of image sensing elements at

the time the light source is turned on changes a predetermined rate. Likewise, the tertiary reference of Murayama, which is relied upon by the Examiner to remedy further deficiencies of Arimoto and Webb, with respect to Claims 12-14, provide no specific teaching or suggestion therein about storing in a memory the time since the light source is turned on until a maximum of electrical signals output from the plurality of image sensing elements at the time the light source is turned on changes a predetermined rate.

In view of the above, independent Claims 1, 11, 12, 14, 15, and 25 are distinguished over the applied prior art references of Arimoto, Webb, or Murayama, either alone or in combination. The subject matter of dependent Claims 2-9, 13, and 16-23, is likewise distinguished over the prior art teachings of Arimoto, Webb, Shirato, or Murayama, either alone or in combination, for at least the same reasons as their respective independent Claims 1, 12, and 15.

CONCLUSION

Applicant respectfully submits that Claims 1-9, 11-23, and 25 are in condition for allowance and a notice to that effect is earnestly solicited.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for filing this response to Office Action to Deposit Account No. 13-4503, Order No. 1232-4675.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: November 23, 2004

By: 

Brian W. Brown

Registration No. 47,265

(202) 857-7887 Telephone

(202) 857-7929 Facsimile

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.

3 World Financial Center

New York, New York 10281-2101

(212) 415-8700 Telephone

(212) 415-8701 Facsimile